

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
BECKLEY DIVISION**

UNITED STATES OF AMERICA

v.

DONALD L. BLANKENSHIP

Criminal No. 5:14-cr-00244

NOTICE REGARDING REPLY BRIEFS

Donald L. Blankenship, through counsel, hereby provides notice that the defense intends to file reply briefs in support of Defense Motions 21-29 on April 15, seven days after receipt of the government's opposition. This is consistent with the practice to date in this matter.

Defense Motions 21-29 are significant, and the government's dismissive response contains assertions – and omissions – that warrant reply briefing. While the government seeks to rush these important motions in an apparent effort to minimize them, the government was the party that obtained the superseding indictment just last month, and the defense has an unquestioned right to meaningfully challenge the charges pre-trial. *See* Fed. R. Crim. P. 12(b); *see also United States v. Russell*, 369 U.S. 749, 768-69 n.15 & accompanying text (1962) (one of the purposes of an indictment “is to enable the court to decide whether the facts alleged are sufficient in law to withstand a motion to dismiss . . .”) (quotation and citation omitted).

Dated: April 9, 2015

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing has been electronically filed and service has been made
by virtue of such electronic filing this 9th day of April 2015 on:

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/s/ Eric R. Delinsky
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